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**STATE OF IOWA**

# **Senate Journal**

**TUESDAY, FEBRUARY 22, 2011**

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## JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 22, 2011

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Father Wally Helms of St. Thomas More Catholic Church in Coralville, Iowa. He was the guest of Senator Dvorsky.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Monday, February 21, 2011, was approved.

### INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced James Schipper, the governor's appointee to be the Superintendent of Banking. He was the guest of Senators Rielly and Kettering and the committee on Commerce.

The Secretary of the Senate introduced Mary Cownie, the governor's appointee to be the Director of the Department of Cultural Affairs. She was the guest of Senators Rielly and Chelgren and the committee on Economic Growth/Rebuild Iowa.

### SPECIAL GUEST

President Kibbie introduced to the Senate chamber U.S. Congressman Dave Loebsack.

The Senate rose and expressed its welcome.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:34 a.m. until 9:00 a.m., Wednesday, February 23, 2011.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ryan Adair, Davenport—For achieving the rank of Eagle Scout. Senator Seng (2/22/11).

Anna Brown, Winterset—For celebrating her 98<sup>th</sup> birthday. Senator Sorenson (2/22/11).

Helen Prall, Carlisle—For celebrating her 80<sup>th</sup> birthday. Senator Sorenson (2/22/11).

Bill and Dorothy Shannon, Harlan—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Boettger (2/22/11).

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH/REBUILD IOWA

**Convened:** Tuesday, February 22, 2011, 2:05 p.m.

**Members Present:** Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed [SF 161](#). Approved governor's appointees.

**Adjourned:** 2:45 p.m.

#### EDUCATION

**Convened:** Monday, February 21, 2011, 3:10 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

**Members Absent:** Dvorsky (excused).

**Committee Business:** Presentations from STEM planners.

**Adjourned:** 4:05 p.m.

## ETHICS

**Convened:** Tuesday, February 22, 2011, 11:45 a.m.

**Members Present:** Kibbie, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Behn, Kettering, and Seng.

**Members Absent:** None.

**Committee Business:** Passed [HF 126](#) and approved LSB 2681.

**Adjourned:** 12:00 p.m.

## JUDICIARY

**Convened:** Monday, February 21, 2011, 4:10 p.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver.

**Members Absent:** None.

**Committee Business:** Passed [SF 165](#) and approved [SSB 1094](#). Approved governor's appointees.

**Adjourned:** 4:40 p.m.

## LABOR AND BUSINESS RELATIONS

**Convened:** Monday, February 21, 2011, 3:05 p.m.

**Members Present:** Horn, Chair; Jochum, Vice Chair; Ward, Ranking Member; Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch.

**Members Absent:** None.

**Committee Business:** Approved governor's appointee. Passed [SF 116](#) and approved SSBs 1037 and 1038.

**Adjourned:** 3:50 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Tuesday, February 22, 2011, 2:00 p.m.

**Members Present:** Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

**Members Absent:** None.

**Committee Business:** Approved [SSB 1078](#), as amended, and [SSB 1046](#). Presentation by the DNR Rivers Program.

**Adjourned:** 2:55 p.m.

## TRANSPORTATION

**Convened:** Monday, February 21, 2011, 5:00 p.m.

**Members Present:** Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Danielson, Ernst, Hahn, Hancock, Houser, and Zaun.

**Members Absent:** Dearden and McCoy (both excused).

**Committee Business:** Approved governor's appointee.

**Adjourned:** 5:15 p.m.

## WAYS AND MEANS

**Convened:** Tuesday, February 22, 2011, 1:00 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith.

**Members Absent:** None.

**Committee Business:** Passed [SF 118](#), as amended. Approved governor's appointee. Presentation by the Department of Revenue.

**Adjourned:** 1:20 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** Tuesday, February 22, 2011, 10:15 a.m.

**Members Present:** Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Administrative Services.

**Adjourned:** 11:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Tuesday, February 22, 2011, 10:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; and Fraise.

**Members Absent:** Smith (excused).

**Committee Business:** Adjourned early for caucuses.

**Adjourned:** 10:20 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

**Convened:** Tuesday, February 22, 2011, 10:15 a.m.

**Members Present:** McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

**Members Absent:** None.

**Committee Business:** Presentations by Blank Park Zoo and the Department of Public Safety.

**Adjourned:** 11:00 a.m.

#### INTRODUCTION OF BILLS

[Senate File 270](#), by Soddors, a bill for an act establishing parole for certain persons serving a class “A” felony sentence and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 271](#), by Sorenson, a bill for an act relating to the harvesting of grass within the right-of-way of a noninterstate highway by the owner of property adjacent to the highway.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 272](#), by Sorenson, a bill for an act relating to the production or manufacture of goods retained within the state of Iowa and federal authority in relation thereto, providing penalties, and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 273](#), by McCoy, a bill for an act requiring the commission for the blind to enter into certain contracts to provide news and information services for the blind and print handicapped and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 274](#), by Rielly and Beall, a bill for an act providing that a rural water district may declare bankruptcy, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 275](#), by Soddors, a bill for an act relating to provider requirements for participation in the state child care assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 276](#), by Soddors, a bill for an act relating to reciprocal preferences for bidders on public improvement contracts and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 277](#), by Bolkcom, a bill for an act relating to an agreement among the states to elect the president by national popular vote and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 278](#), by Sorenson, a bill for an act allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Agriculture**.

[Senate File 279](#), by committee on Human Resources, a bill for an act relating to child support recovery.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 280](#), by committee on Human Resources, a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 281](#), by committee on Human Resources, a bill for an act relating to dissolvable products and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 282](#), by Feenstra, a bill for an act relating to the administration of the tax and related laws by updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 283](#), by Feenstra, a bill for an act prohibiting smoking throughout gambling structures, excursion gambling boats, and racetrack enclosures.

Read first time under Rule 28 and referred to committee on **State Government**.



[Senate File 284](#), by Kibbie and Houser, a bill for an act relating to motor fuel by establishing standards for the sale of such fuel, providing tax credits for ethanol blended gasoline, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Agriculture**.

#### STUDY BILLS RECEIVED

[SSB 1146](#)      **Judiciary**

Restricting claims involving mineral rights underlying land owned by another person.

[SSB 1147](#)      **Agriculture**

Relating to motor fuel, including ethanol blended gasoline and biodiesel or biodiesel blended motor fuel, by providing for regulation and taxes.

[SSB 1148](#)      **Agriculture**

Relating to the promotion of biodiesel fuel, by providing for tax credits to retail dealers and payments to biodiesel producers, making an appropriation, providing a penalty and including effective date provisions.

[SSB 1149](#)      **Agriculture**

Relating to ethanol by providing for tax credits and reporting for ethanol blended gasoline, and including effective date and applicability provisions.

[SSB 1150](#)      **State Government**

Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

**SSB 1151 State Government**

Relating to the authority of the county auditor to consolidate or divide election precincts or establish voting centers.

**SSB 1152 State Government**

Relating to the duties of the county auditor.

**SSB 1153 State Government**

Relating to filling a vacancy in an elective city office.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 225**

COMMERCE: Dandekar, Chair; Beall, Behn, Courtney, and Ward

**Senate File 227**

AGRICULTURE: Kibbie, Chair; Courtney and Hahn

**Senate File 257**

AGRICULTURE: Johnson, Chair; Black and Bowman

**Senate File 258**

COMMERCE: Dandekar, Chair; Courtney and Kettering

**Senate File 263**

JUDICIARY: Fraise, Chair; Quirnbach and Sorenson

**Senate File 264**

JUDICIARY: Fraise, Chair; Quirnbach and Sorenson

**Senate File 265**

JUDICIARY: Hogg, Chair; Boettger and Sadders

**Senate File 266**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Seymour

[Senate File 267](#)

TRANSPORTATION: McCoy, Chair; Beall and Houser

[Senate File 268](#)

STATE GOVERNMENT: Horn, Chair; Danielson and Sorenson

[Senate File 269](#)

AGRICULTURE: Houser, Chair; Rielly and Seng

[Senate File 272](#)

STATE GOVERNMENT: Danielson, Chair; Behn and Kibbie

[SSB 1146](#)

JUDICIARY: Sodders, Chair; Dix and Fraise

[SSB 1147](#)

AGRICULTURE: Kibbie, Chair; Black and Greiner

[SSB 1148](#)

AGRICULTURE: Kibbie, Chair; Bowman and Houser

[SSB 1149](#)

AGRICULTURE: Kibbie, Chair; Black and Hahn

[SSB 1150](#)

STATE GOVERNMENT: Dearden, Chair; Kibbie and Smith

[SSB 1151](#)

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

[SSB 1152](#)

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

[SSB 1153](#)

STATE GOVERNMENT: Danielson, Chair; Behn and Jochum

## FINAL COMMITTEE REPORTS OF BILL ACTION

## ETHICS

**Bill Title:** [HOUSE FILE 126 \(HSB 14\)](#), a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Kibbie, Fraise, McKinley, Behn, Kettering, and Seng. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Bill Title:** [SENATE FILE 279 \(SSB 1101\)](#), a bill for an act relating to child support recovery.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirnbach, and Whitver. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** [SENATE FILE 280 \(SSB 1017\)](#), a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirnbach, and Whitver. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** [SENATE FILE 281](#) (formerly [SF 154](#)), a bill for an act relating to dissolvable products and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Ragan, Wilhelm, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, and Quirnbach. Nays, 5: Seymour, Bacon, Boettger, Johnson, and Whitver. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

### ECONOMIC GROWTH/REBUILD IOWA

Mary Cownie – Director of the Department of Cultural Affairs

Dave Jamison – Executive Director of the Iowa Finance Authority

Adam Feiges – Iowa Great Places Board

Lee Clancey – Iowa Power Fund Board

### JUDICIARY

Stephanie Fawkes-Lee – Criminal and Juvenile Justice Planning Advisory Council

### LABOR AND BUSINESS RELATIONS

Francis Giunta II – Iowa Workforce Development Board

### STATE GOVERNMENT

Michael Carroll – Director of the Department of Administrative Services

Mary Junge – Iowa Lottery Authority Board of Directors

### TRANSPORTATION

Larry Noble – Commissioner of Public Safety

## GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

### HUMAN RESOURCES

Chuck Palmer – Director of the Department of Human Services

**JUDICIARY**

Beth Townsend – Director of the Iowa State Civil Rights Commission

Sam Langholz – State Public Defender

**WAYS AND MEANS**

Courtney Kay-Decker – Director of the Department of Revenue